NOES 13.

1. Mr. A. S. Damodaran Asan	9. Mr. Muruvelil Pachu Pillai
2. Mrs. Elizabeth Kuruvila.	10. ,, L. R. Raja Raja Varma Koil Tampuran.
3. Mr. R. Kesava Pillai.	11. ,, R. Raman Pillai.
4. ,, T. C. Kesava Pillai	12. ,, Revati Nal Rama Varma Raja.
5. ,, N. K. Krishna Pillai.	13. ,, A. Thanu Pillai
6. ,, K. Madhavan Pillai.	
7. ,, H. B. Mahomed Rowther.	
8. ,, K. P. Nilakanta Pillai	

NEUTRALS 5.

1. Mr. Ittoop Itteechan	3. Mr. V. S. Krishna Pillai
2. ,, Tamarapallil Kochu Tomman	4. ,, A. C. Kuriakose.
	5. ,, K. Padmanabha Panikkar.

The motion was declared carried.

PRESIDENT: We will pass on to the next item.

THE TRAVANCORE FOOD ADULTERATION BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to present the Report of the Select Committee on the Travancore Food Adulteration Bill and beg to move that the Bill as reported by the Committee be taken up for consideration.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second it.

PRESIDENT: The Bill has to be taken up Clause by Clause. The preamble and the title of the Bill may be considered after all the Clauses are dealt with. I see so far as the first Clause is concerned there are no amendments. The question is that Clause 1 of the Bill do stand part of the Bill.

The motion was carried.

Clause 2.

MR. R. KESAVA PILLAI (*Kottarakara cum Kunnattur*): I move the following motion.

Delete the definition of "Local Food Inspector" as revised by the Select Committee and substitute the following definition in the original Bill.

In the original Bill it reads thus :

" Local Food Inspector means any person appointed by Our Government or under Rules made by Our Government to exercise the functions of a local Food Inspector under this Regulation for any local area."

In the Bill as revised by the Select Committee the definition is this. "The local Food Inspector means, any officer not below the rank of a Taluk Tahsildar appointed by Our Government or under Rules made by Our Government to exercise the functions of a local Food Inspector under this Regulation for any local area ".

If the definition as accepted by the Select Committee is enacted, it would bring practical difficulties in the application of this Regulation. According to the definition as revised by the Select Committee, an officer

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not below the rank of a Taluk Tahsildar has to be appointed as a Local Food Inspector. A Taluk Tahsildar has got many duties to perform and if he is made the Local Food Inspector also, the working of the Regulation may not be as efficient and satisfactory as we desire. To suggest it effectively, I would point out one instance. In some of the Taluks of our State, there are Tahsildars who are Magistrates as well.

MR. MATTHEW MURIKKAN (*Vaikam*): Does my friend say that the suggestion of the Select Committee refers to Tahsildars alone?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I suggested only one example. Suppose a Tahsildar is appointed as Local Food Inspector who is a Magistrate as well. If offences are to be charged before Magistrates, and if Tahsilder is the Local Food Inspector, and if the very same Tahsildar is Magistrate also, then the offence taken cognisance of by that Tahsildar may not be committed before himself. For example, in Pattanapuram, we have got a Tahsildar who is a Tahsildar and a Magistrate. If an offence is taken cognisance of by that Tahsildar, he cannot charge that offence before the Magistrate of the very same taluk because for that particular taluk both the Magistrate and the Tahsildar are one and the same person.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know from the member how many Tahsildars are there who are also exercising magisterial functions?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I think there are five.

Then there is another difficulty. The Tahsildars and officers who are placed in the same rank as Tahsildars, have got some position and status in the rank of officers. They may not find it always agreeable to go to certain places.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Will the member take it from me that there are only three Tahsildars who are Magistrates as well.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I am subject to correction.

These Tahsildars may not always find it congenial to go to coffee and tea shops and sometimes to toddy shops, to examine the purity of foods provided for consumption there. So it would be better—

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Does Mr. Kesava Pillai say that the Tahsildar would be finding it unconge-nial by going there?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): It is not always that a Tahsildar goes. He can delegate somebody else for that purpose. For the effective working of the Regulation it would be better if the Inspector who is appointed for that purpose goes and visits the shops, where foods are provided for consumption.

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[Mr. R. Kesava Pillai.]

By another Clause, the Tahsildar can delegate his powers to some other persons who are placed in similar ranks. In the matter of delegation, we have to consider one important matter. Delegation must always be to a person who has got some definite status and position.

PRESIDENT : Mr. Kesava Pillai, since there appears to be some discrepancy in a statement of fact, I am asking the officers of Government to give you the correct information. You stated that the number of Tahsildars who exercise magisterial functions is five and another member said that there are only three in number.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know from the Chair how it materially affects the point at issue.

PRESIDENT : When there is some difference in some statement of fact, the House should be entirely put in possession of accurate facts. I have just asked the official member in charge of that Department to place the correct number before the House.

Mr Kesava Pillai, you may proceed.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): All right. The Tahsildar has powers to delegate to a subordinate. He must entrust this task to an officer who can discharge duties as efficiently as himself. Then I can understand the position. In a taluk like Pattanapuram or in any other similarly situated areas, it is not likely that a Tahsildar could find a person who is similarly placed as he is. One of the officers who may be found worthy of delegation so far as this matter is concerned, may be a Munsiff. It would be absolutely impossible for a Munsiff to undertake this task also as he has many other duties to perform. Even if a Munsiff accepts this office he may find himself in an awkward situation because there are Munsiffs who are exercising magisterial functions also and so a Munsiff who has taken a delegation has to come before himself for the purpose of trying this offence. Such being the case if this amendment is accepted as it is, then that would create endless difficulties in the matter of application of the Bill that is going to be passed into law. So, I submit that the definition of the Food Inspector as revised by the Select Committee must be deleted and the definition as found in the original Bill be retained for the proper working of this Regulation.

MR. V. CHELLAM PILLAI (*Tovala*) : ഏതുതരം ശമ്പളക്കാരെ ഏല്പിക്കണമെന്നാണ് മെമ്പറുടെ അഭിപ്രായം?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) എനിക്കതിനെസംബന്ധിച്ച് അഭിപ്രായമില്ല. ഈ ബില്ലിൽതന്നെ ഗവണ്മെന്റിന്റെ യുക്തംപോലെ ചെയ്യാമെന്നാണ്.

MR. V. CHELLAM PILLAI (*Tovala*) : തഹശീൽദാരുടെ റാങ്കിൽ കുറഞ്ഞ ആളുകളെയും ഏൽപ്പിക്കാമെന്നല്ലേ?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): അതേ.

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MR. V. CHELLAM PILLAI (*Tovala*) : തഹശീൽദാരുടെ റാങ്കിലും കുറഞ്ഞ ആളുകളെ ഏർപ്പാടാക്കാമെന്നാണോ മെമ്പറുടെ അഭിപ്രായം?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : ശരിയായ ഉദ്യോഗസ്ഥന്മാരുണ്ടെങ്കിൽ തഹശീൽദാരുടെ റാങ്കിൽ കുറവാണെങ്കിലും ഏല്പിക്കാം.

MR. V. CHELLAM PILLAI (*Tovala*) : പ്രവർത്തികാരേയും ഏല്പിക്കാമെന്നാണോ പറയുന്നത്?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : ഗവണ്മെൻറിൻെറ യുക്തംപോലെ ചെയ്യാം.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : മി. ആർ. കേശവപിള്ളയുടെ അമൻറുമെൻറിനെ ഞാൻ പിൻതാങ്ങുന്നു. I support Mr. R. Kesava Pillai's position. In making a few observations regarding his amendment, I have to place before you the following facts for careful consideration.

MR. V. CHELLAM PILLAI (*Tovala*): Is the member in order?

PRESIDENT: You started speaking in Malayalam. You could have continued in that language.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): I began in Malayalam and somebody objected to that. Now I leave it to your decision.

PRESIDENT: It is better you continue in Malayalam.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : ഗവണ്മെൻറിനു പല അവസരങ്ങളിലും അബദ്ധം പറുകപതിവുണ്ട്. മുനിസിപ്പൽ റഗുലേഷൻ, വില്ലേജ് പഞ്ചായത്ത് എന്നിങ്ങനെ പലതരത്തിലുള്ള നിയമങ്ങൾ ഇവിടെ കൊണ്ടുവരുന്നുണ്ട്. എന്നാൽ അവയെല്ലാം തിരുവിതാംകൂറിനകത്താണ് ഉപയോഗിക്കേണ്ടത്. ഇതിനകത്തു അനേകം യൂനിട്ടുകൾ ഉണ്ട്. ഈ ഫുഡ് അഡൽട്ടറേഷൻ ബിൽ ഏതു് അതുത്തിയൂകത്താണ് ഉപയോഗിക്കാൻ പോകുന്നതെന്നു വിശദീകരിച്ചു കാണുന്നില്ല.

PRESIDENT : How is that relevant to the amendment now before the House? You had better confine yourself to the amendment before the House than make rambling remarks about the whole of the Bill.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): അമൻറുമെൻറിനെപ്പറ്റി പറയുന്ന അവസരത്തിൽ അതു സ്വീകാരയോഗ്യമാക്കിത്തീർക്കണമെന്നുവരുകിൽ ബില്ലിൽ ഉള്ളതും ഞാനുദ്ദേശിക്കുന്നതുമായ തെറുകളെ ചൂണ്ടിക്കാണിച്ചു പറഞ്ഞാൽമാത്രമെ എൻെറ വാദം

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[Mr. T. C. Kesava Pillai.]

ശരിയാണെന്നു കൌൺസിലിനെ ബോധ്യപ്പെടുത്താൻ സാധിക്കുകയുള്ളൂ. മുനിസിപ്പാലിറ്റിക്കുതാണെങ്കിൽ മുനിസിപ്പൽ പ്രസിഡൻറ് ഈ അധികാരം വഹിക്കേണ്ടിവരും. അതുകൊണ്ടു തഹശീൽദാർഎന്നു പ്രത്യേകിച്ച് ഒരുദ്യോഗസ്ഥനെ ചുണ്ടിക്കാണിക്കുന്നതിനുപകരം സിലക്ട് കമ്മിറ്റി പുതുക്കുന്നതിനു മുമ്പെയുള്ള ബില്ലിൽ കാണുന്നതുതന്നെമതി എന്നാണ് എന്റെ അഭിപ്രായം.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): ഫുഡ് ഇൻസ്പെക്ടറായിട്ട് ആരെ ആക്കണമെന്നാണ് മി. കേശവപിള്ളയുടെ അഭിപ്രായം?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): വില്ലേജ് പഞ്ചായത്തു നടപ്പിൽവന്നാൽ സാനിട്ടറിഇൻസ്പെക്ടറെ നിയമിക്കാം.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): വരാൻപോകുന്ന സംഗതികളെ കൂടി പരിഗണിച്ചു നിയമനം നടത്താൻ സാധിക്കുമോ?

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): അപ്രകാരം ഒന്നു വരുന്ന അവസരത്തിൽ ഒരു അമൻറുമെൻറു കൊണ്ടുവരിക എന്നുള്ളതു അസാധ്യമാണ്. അതുകൊണ്ട് ആ തത്വത്തെക്കൂടി മുൻനിത്തി നാം നിയമം പാസാക്കണമെന്നു ഞാൻ ഈ സഭയെ അറിയിച്ചുകൊള്ളുന്നു.

MR. P. S. MAHOMED (*Nominated*): മിസ്റ്റർ കേശവപിള്ളയുടെ അമൻറുമെൻറിനെ ഞാൻ എതിർക്കുന്നു. ഫുഡ്ഇൻസ്പെക്ടർ എന്നുള്ള പേരിൽ ഒരാളെ നിയമിക്കുന്നതു് അരായാലും മതി എന്നു പറയുന്നതു് ഒരിക്കലും ശരിയല്ല. ഗവണ്മെൻറു പരമാർത്ഥത്തിൽ യോഗ്യന്മാരേതന്നെ അവിടെ നിയമിക്കേണ്ടതാണ്. അദ്ദേഹത്തിന്റെ അധികാരത്തെ മറെറാരുവിധമായ, ഉപയോഗിക്കുന്നപക്ഷം അതുകൊണ്ടു കുച്ചുവടക്കാർക്കുണ്ടാകുന്ന ഉപദ്രവം ചിന്തിച്ചിട്ടാണ് ആ ആളിന്റെ സ്റ്റാറാസ് ഏതുരീതിയിൽ ആയിരിക്കണം എന്നു് ഈ ഉത്തരവാദിത്വബോധമുള്ള കൌൺസിലിൽ വച്ചുതന്നെ നിർണ്ണയിക്കണം എന്നുള്ള ഉദ്ദേശത്തോടുകൂടി സിലക്ട കമ്മിറ്റിയിലെ അംഗങ്ങൾ പ്രത്യേകമായി ഇന്ന സ്റ്റാറാസിൽ കുറയാൻ പാടില്ലെന്നും ആളും തരവും ഗവണ്മെൻറു നിശ്ചയിച്ചുകൊള്ളട്ടെ എന്നും തീരുമാനിച്ചതു്.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): ഗവണ്മെൻറിനു് ആരെ എങ്കിലും നിയമിക്കണമെന്നാണൊ ഉദ്ദേശം?

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MR. P. S. MAHOMED (*Nominated*) : അതാതുസ്ഥലത്തു് സൌകര്യം എന്നതോന്നുന്ന ആളുകളെ നിയമിക്കാനിടയുണ്ടു്. ചിലസ്ഥലങ്ങളിൽ ഏറ്റവും താണപടിയിൽ പോകാൻ സൌകര്യം വന്നേക്കും എന്നുള്ളതുകൊണ്ടു് അങ്ങനെ പോകാൻപാടില്ല. ഏറ്റവും ശക്തിയുള്ള ഒരായുധമാണു് അവരുടെ കൈയ്യിൽ കൊടുക്കുന്നതു്. അതുകൊണ്ടു് സാധുക്കളെ ഉപദ്രവിക്കാൻ സാധിക്കും എന്നതോന്നിയതുകൊണ്ടാണു് സ്റ്റാറ്റസിനെപ്പറ്റി ഇങ്ങനെ പറഞ്ഞിരിക്കുന്നതു്.

MR. R. KESAVA PILLAI (*Kottarakara cum Kunnattur*): അധികാരം ശരിയായി ഉപയോഗിക്കാൻ ശക്തിയില്ലാത്ത ആളിന്റെപക്കൽ അതിനെ പ്രയോഗിക്കാൻ കൊടുക്കുമെന്നു് വിചാരിക്കുന്നുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*) : അല്ലെങ്കിൽ സ്റ്റാറ്റസ് നിർണ്ണയിക്കുകയില്ലായിരുന്നു.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : അതുപോലെ സ്റ്റാറ്റസുള്ളവർ എത്രപേർ ഉണ്ടാകും?

MR. P. S. MAHOMED (*Nominated*) : ധാരാളം ഉണ്ടാകാം. ആവശ്യംകഴിഞ്ഞു് കുറെ കൂട്ടരും ഉണ്ടാകും.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): ഒരു താലൂക്കിൽ തഹശീൽദാരുടെ സ്റ്റാറ്റസിൽ ആരെല്ലാമുണ്ടെന്നു് അറിയാമോ?

MR. P. S. MAHOMED (*Nominated*) : അതു് ഗവണ്മെന്റിന്റെയുക്തവും ആവശ്യവും അനുസരിച്ചു് ചെയ്തുകൊള്ളട്ടെ.

ഈ ഉദ്യോഗസ്ഥന്മാരുടെ ജോലി കടകളിൽപോയി ഭക്ഷണസാധനങ്ങളെ പരിശോധിക്കുകയാണു്. അതുകൊണ്ടു് സാധുക്കളെ ഉപദ്രവിക്കാൻ സാധിക്കും. ചീത്തസാധനങ്ങളെ നശിപ്പിക്കാൻ സാധിക്കും. അങ്ങിനെ ഉള്ള കടുംകൈകൾ പ്രവർത്തിക്കത്തക്ക ഈ ആയുധം കൊടുക്കേണ്ടതു് ഉത്തരവാദിത്വബോധമുള്ളവരിൽതന്നെയാണു്. അതിനാൽ അവരുടെ സ്റ്റാറ്റസ് ഒരു തഹശീൽദാരുടെ സ്റ്റാറ്റസിൽ കുറയാൻപാടില്ല എന്നുള്ളതു് അത്യാവശ്യമാണു്. അതിനാൽ അമൻറ്മെൻറിനെ പിന്തുണക്കുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As Mr. Kesava Pillai, the mover of the amendment, has explained, his amendment is to restore the provision in the Bill as it stood when it was introduced by me into the Council. The majority in the Select Committee, as stated in its Report, has made the change now found in the Bill as revised; and out of deference to the opinion of the

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[Mr. Kayalam Paramesvaran Pillai.]

majority in the Committee I did not and do not seek to move any amendment to restore the provision in the original Bill. But now that an amendment has been placed before the House to restore the provision in the original Bill, I have perhaps formally to support the sense of the amendment. And, in doing so, I wish to say a word in reply to what my friend Mr. Mahomed said. He said that, under the provision as it was in the original Bill, it would be possible for the Food Inspector to create trouble and to molest people. I may say that the function of the Food Inspector is merely to help the court. He can seize food if he thinks it is bad, put it before court and frame a charge sheet also for presentation before the court if necessary. So, there need not be any apprehension that the Food Inspector can do serious harm to the people. No doubt, he may give some slight trouble, and it is therefore certainly better to have a responsible officer for that place. But, it cannot however be said that he would be the master of the situation if the provision in the original Bill is restored. The matter has to go to court very soon after the action of the Food Inspector.

MR. P. S. MAHOMED (*Nominated*): ചാർജ്ഷീറ്റ് കോർട്ടിൽഹാജരാക്കുന്നതിനു സമാധാനം പറയാൻ കച്ചവടക്കാരൻക്കുടി പോകണം. ആ കേസ് തീരുന്നതുവരെ ആ സാധനങ്ങളെ സൂക്ഷിക്കണ്ടേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതെ.

MR. P. S. MAHOMED (*Nominated*): അങ്ങിനെ വരുമ്പോൾ കച്ചവടക്കാരനു വലിയ നഷ്ടമുണ്ടാവുകയില്ലേ? അങ്ങിനെ നഷ്ടമുണ്ടാക്കാൻ ഈ ഉദ്യോഗസ്ഥൻ കാരണമാകുന്നില്ലേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങിനെ ആക്കും സാധിക്കുമല്ലോ.

MR. P. S. MAHOMED (*Nominated*): അപ്പോൾ നല്ല സ്റ്റാറസുള്ള ഒരുദ്യോഗസ്ഥനാണെങ്കിൽ ഇങ്ങിനെ വരുമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. Of course to that extent the provision made by the majority of the Select Committee is all right. I want only to say that the House must realise the extent of the power that the Food Inspector has, under the provisions of the Bill. It does not go very far.

MR. REVATI NAL RAMA VARMA RAJA (*Edavayai*): ഫുഡ് ഇൻസ്പെക്ടർക്കു ഈ ആഹാരസാധനങ്ങളെ നശിപ്പിക്കുന്നതിനു അധികാരം കൊടുത്തിട്ടില്ലേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): നശിപ്പിക്കുകയല്ല ചെയ്യേണ്ടതു. അതിനെ കോടതിയിൽ ഹാജരാക്കണം.

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MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): മാവേലിക്കര ഇരിക്കുന്ന ഒരു കടയിലെ സാധനങ്ങളെ സംബന്ധിച്ചാണെങ്കിൽ അതിന കായങ്കുളത്തുള്ള കോടതിയിൽ പോയി അന്വാദം വാങ്ങിക്കൊണ്ടു വരുന്നതു എങ്ങിനെ ആണു ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is one reason why I say Mr. Kesava Pillai's amendment has some merit.

PRESIDENT: What is your position, Mr. Paramesvaran Pillai? Do you support Mr. Kesava Pillai?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am prepared to formally support Mr. Kesava Pillai.

PRESIDENT: Do you support Mr. Kesava Pillai, or the Report of the Select Committee? I thought you began by saying that you formally support the proposition, namely, your own motion placing the Bill as revised by the Select Committee for consideration by the House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I meant to say I could support that amendment that is now before the House.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The Law Member is the mover of the Bill as revised by the Select Committe. Does he accept the amendment now before the House.?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): He would himself place before the Council the Bill as revised by the Select Committee; and at the same time support an amendment to one of the clauses of the Bill as revised by the Select Committee. There must be some consistency.

MR. KAYALAM PARAMESVARAN PILLAI (*Addional Head Sirkar Vakil*): There is no question of consistency or inconsistency because the revised Bill is placed by me before the House, it does not follow that I cannot accept an amendment to it. As I said, out of deference to the opinion of the majority of the Select Committee, I do not think of formally proposing an amendment to this provision as revised by the Select Committee. But, now that an amendment has been formally moved, by a member on the other side of the House, to restore the provision in the original Bill I have no desire to oppose it.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I know whether the Government have proposed any amendment to the Bill as revised by the Select Committee?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Out of deference to the opinion of the majority of the Select Committee, Government do not move any amendment to the Bill as revised by the Select Committee.

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RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : Then, I suppose it is in his official capacity, as the member in charge of the Bill, that Mr. Paramesvaran Pillai now supports Mr. Kesava Pillai's amendments?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not understand the question.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : Apparently, Sir, Government have no idea of moving any amendment to the Bill as revised by the Select Committee.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far, Mr. Krishna Aiyangar is quite right.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : Therefore, when my friend now supports the amendment, does he support it as the member in charge of the Bill? We want to know it, because it may affect the voting. The present popular impression here is that all the official friends behind Mr. Paramesvaran Pillai should raise their hands with him whenever he opposes or supports the motion. In the present instance, Government have not tabled any amendment. I want to know what is the position of the official members in regard to the voting on the amendment now before the House. What is to be the rule of guidance for our official friends in regard to their voting on this amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I was explaining, Sir, the functions of the Food Inspector, even under the original Bill, do not take his powers very far.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*) : നാശമായി പോകുന്ന വസ്തുക്കളാണെങ്കിൽ തടഞ്ഞുവയ്ക്കുന്നതിനു അധികാരമുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): കറച്ചുകാലത്തെ അധികാരം ഉണ്ട്.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*) : നാലുമണിക്കൂർ നേരം വച്ചിരുന്നാൽ ചീത്തയായിപോകുമെന്നുള്ള സാധനങ്ങളാണെങ്കിൽ തടഞ്ഞുവയ്ക്കാനുള്ള അധികാരമുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതു ഉടനെ കോർട്ടിൽ കൊണ്ടുപോകണം.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): അതുകൊണ്ടു ഉത്തരവാദിത്വമുള്ള ആളുകൾതന്നെ ഫുഡ് ഇൻസ്പെക്ടർമാരായിരിക്കണമെന്നുള്ള ഉദ്ദേശത്തിന്മേലല്ലേ സിലക്ട് കമ്മിറ്റി ഇങ്ങിനെ നിശ്ചയിച്ചതു?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I said, the majority of the members of the Select Committee wanted to amend the provision in the original Bill; and out of

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deference to their opinion, I accepted the amendment. But, now a member on the other side has formally proposed an amendment to reinstate the provision in the original Bill...

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : Should not the Law Member adopt a consistent attitude ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is my difficulty too. Since the majority of the Select Committee has made the change I am also prepared to go with them. I was only saying that Government did not propose any amendment to the provision as revised by the Select Committee out of deference to the opinion expressed by the majority of the Select Committee, and that, now a non-official member has brought forward a motion to reinstate the provision in the original Bill.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : Is the attitude of Government one of absolute neutrality in this matter ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If at all.....

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : No 'If at all', please; I want a definite answer.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As for that the Government will stand by the provision as amended by the Select Committee.

MR. TAMARAPALLIL KOCHUTOMMAN (*Pattanamtitta*) : തിരുവല്ലാതാലൂക്കിൽ ഒരു പകുതിമാത്രം ഉണ്ടു്. ഈ ഒരു പകുതികളിലും തഹശീൽദാർക്കു സഞ്ചരിക്കാൻ സാധിക്കുമോ?

(*Mr. Kayalam Paramesvaran Pillai had, by then, resumed his seat.*)

The amendment of Mr. R. Kesava Pillai was then put to vote and declared lost.

PRESIDENT : So far as this Clause, Clause 2, is concerned, the Bill as revised by the Select Committee is carried.

MR. R. KESAVA PILLAI (*Kottarakara cum Kunnattur*) : My former amendment has been lost ; so, I do not move my next amendment to omit Explanation I.

The question that Clause 2 of the Bill as revised by the Select Committee do stand part of the Bill was then put to vote and carried.

The Clause was added to the Bill.

Clause 3.

PRESIDENT : Mr. Thanu Pillai has given notice of two amendments to Clause 3, one to omit sub-clause (1) and the other to omit the words 'and every person to whom the powers have been delegated under this Section' in sub-clause (2). He is not in his seat now. So, it has to be taken that he does not move his amendments.

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[President.]

The question is that Clause 3 of the Bill as revised by the Select Committee do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 4.

PRESIDENT: As no notice of amendments to Clause 4 of the Bill as revised by the Select Committee has been given, the question is that Clause 4 of the Bill as revised by the Select Committee do stand part of the Bill.

The motion was carried and theClause was added to the Bill.

Clause 5.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I beg to move to add the following proviso to Clause 5 :

> "(1) Provided that the vendor shall not be deemed to have committed an offence under this Section, if he proves that the food was purchased by him as the same in nature, substence and quality as that demanded by the purcheser and with a written warranty to the effect that it was of such nature, substance and quality that he had no reason to believe at the time when he sold the same that the food was not of such nature, substance or quality and that he sold it in the same state as that in which he purchased it."

Clause 5 as revised by the Select Committee provides for the conviction of all offences relating to Food Adulteration. If the provision, as it has now been presented before this House, is accepted, then, an offender, whether he has got the necessary *mens rea* or not, would be liable to punishment for the offence. It may happen in some cases that the seller of a food did not sell it with the knowledge that it was bad. He might not have had the guilty intention to sell bad food. My point is that, since the seller has not got the guilty intention to sell bad food knowing it to be bad, he should not be prosecuted and convicted and punished for an offence for which he had no *mens rea*. I shall take an illustration to explain my position. A certain seller might have purchased food under the impression that it was good for consumption and that it could be sold to the public. In such a case he could not be blamed for selling that food, because he did not know that it was bad. He had not the guilty intention to sell bad food. It is for the intention of the man that he is made liable If a person has not got criminal intention, I do not see any reason why he should be punished. If Clause 5, as it has been revised by the Select Committee, is accepted, then every person, whether he has got the guilty intention or not, would be liable to punishment. It is to exempt acts for which the accused is not responsible that I seek to introduce this proviso. If this proviso is introduced, then persons who have not got the guilty intention to sell bad food *knowing it to be bad* would be saved from punishment. That is the object of my amendment.

MR. A. G. MENON (*Parur*): I beg to second the motion. I may say that the proviso is not our own. It has been taken over bodily, from the Madras Act. The proviso deals only with cases where the dealer has not the slightest suspicion that the article of food in

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question was not what it was advertised to be. In such cases, it is but fair that the dealer is freed from the penalty imposed by this Regulation. In fact, without such a proviso as is now suggested by this amendment, this Regulation, instead of being beneficial to the people would be a rather repressive piece of legislation. As a consequence it may perhaps share the fate of other such Statutes which are only found in the Statute Book and are not actually taken notice of by the authorities. I do not think there is any necessity to dilate upon this, because the provisions themselves clearly explain the circumstances under which exemption from punishment is to be allowed.

PRESIDENT: Are you against the amendment?

MR. A. G. MENON (*Parur*): No, I am seconding it.

MR. P. S. MAHOMED (*Nominated*): മി. കേശവപിള്ളയുടെ ഭേദഗതിയിലെ ആദ്യത്തെ പ്രൊവിസോയെ ഞാൻ അനുകൂലിക്കുന്നു.

PRESIDENT: ഈ അമൻഡ്മെൻറ് തീർന്നതിൽപിന്നീട് നിങ്ങളുടെ അമൻഡ്മെൻറ എടുത്തുകൊള്ളാം.

MR. P. S. MAHOMED (*Nominated*): ഞാൻ അനുകൂലിക്കുന്നത് ഭേദഗതിയുടെ ആദ്യത്തെ ഭാഗമാണ്.

തിരുവിതാംകൂറിലെ ഭക്ഷണസാധനങ്ങളിൽ വിലപിടിച്ച പല സാധനങ്ങളും വരുത്തുന്നതു തിരുവിതാംകൂറിനു വെളിയിൽനിന്നാണ്. ഇതു വലിയ കമ്പനികളിൽനിന്നും കൊടുക്കുന്ന ഗാറൻറി അനുസരിച്ചു നല്ലസാധനങ്ങളാണെന്നുള്ള ബോധത്തോടുകൂടി അതിനെ വിശ്വസിച്ചു വാങ്ങിക്കയാണ് ചെയ്യുന്നതു്. അങ്ങനെ അയയ്ക്കുന്ന സാധനങ്ങളെ അവിടെവച്ച് കെമിക്കൽഎക്സാമിനറെക്കൊണ്ടു പരിശോധിപ്പിച്ചു വരുത്തുന്ന കാര്യം സാധ്യമല്ല. അങ്ങനെ വരുത്തുന്ന സാധനങ്ങൾ നിർഭാഗ്യവശാൽ ചീത്തയാണെന്ന് ഫുഡ്ഇൻസ്പെക്ടർ കണ്ടുപിടിയ്ക്കുകയാണെങ്കിൽ അതിനു കുറെക്കാരൻ വരുത്തിയ ആളാണ്. അതുകൊണ്ട് അയാളെ ശിക്ഷിയ്ക്കണം എന്നു പറയുന്നതു് കഷ്ടമാണ്. യാതൊരു വിധത്തിലും കുറ്റം ചെയ്യണമെന്നു ഉദ്ദേശിക്കാത്ത ഒരുവനെ ശിക്ഷിയ്ക്കണം എന്നൊരുനിയമം ഒരിടത്തും ഉള്ളതായി അറിഞ്ഞിട്ടില്ല. അതിനാൽ എത്ര നിർദ്ദോഷിയാണെങ്കിലും ഈ വകുപ്പുംപ്രകാരം ശിക്ഷിക്കണം എന്നു പറയുന്നതു് ശരിയല്ല. ഗാറൻറി അനുസരിച്ചു് വാങ്ങിക്കുന്ന സാധനങ്ങളും ചീത്തയാണെന്നു് കാണുന്നു എങ്കിൽ അതിനു് ഞങ്ങളും ഉത്തരവാദിയല്ലാ എന്നു് കോടതിക്കു് തൃപ്തികരമായ വിധത്തിൽ ബോധ്യപ്പെടുന്നു എങ്കിൽ—

MR. MATTHEW MURIKKAN (*Vaikam*): ഈ അമൻഡ്മെൻറ്കൊണ്ടു് അങ്ങനെ എല്ലാവരേയും ശിക്ഷിക്കാൻ സാധിക്കുമോ?

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MR. P. S. MAHOMED (*Nominated*): എല്ലാവരെയും ശിക്ഷിക്കാൻസാധിക്കും.

എന്നാൽ ഗാരൻറിലാറോടുകൂടിവരുന്ന സാധനങ്ങളെ നല്ലതാണെന്നുള്ള പൂർണ്ണവിശ്വാസത്തോടുകൂടിയാണ് അവയെവാങ്ങിക്കുന്നതും വിൽക്കുന്നതും. അതുകൊണ്ട് അങ്ങനെയുള്ള ഒരാളിനെ ചീത്തസാധനം വിറ്റു എന്ന കാരണത്തിൻപേരിൽ ശിക്ഷിക്കാൻ പാടുള്ളതല്ല. അതിനാൽ ഈ അമൻഡുമെൻറിനെ ഞാൻ അനുകൂലിക്കുന്നു.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I beg to support the amendment. While the legislature should arm the authorities with the necessary powers for seizing and destroying food unfit for human consumption, there is no virtue in condemning persons who, from the facts disclosed, are really innocent and had not any dishonest intent to perpetrate fraud on the people in the neighbourhood. I believe, Sir, the class of food-stuffs contemplated in this proviso mainly relate to tinned food imported from outside and not the sort of food stuffs ordinarily supplied in our hotels all over the country. Certainly, the question of warranty, or guarantee in writing, does not come in at all. Any importer in Trivandrum or Alleppey orders, from the foreign manufacturer, food of a particular quality considered to be perfectly safe for human consumption, and gets it. Ultimately, when the Food Inspector examines it he finds it unfit for human consumption, seizes it and destroys it. There is no doubt about that; and the man who imports it does not get any pecuniary compensation for the food he has lost. But, why should he be punished when he has been doing his business in good faith? Are we to deprive the public of imported food-stuffs when several of them really want them? Under the conditions and risks imposed by the provision in this Bill as it now stands, who will import food-stuffs from outside? We have to trust the general sense of the people. If a particular merchant imports rotten stuff, naturally, he loses all his customers. Why should he be punished criminally also? After all, the proviso now sought to be introduced by the amendment seeks to exempt from punishment only in extreme cases where the dealer has a warranty that the food conforms to the description of it given in the order or the advertisement and is of a particular quality absolutely safe for human consumption. In such cases, why should he be dragged before a Magistrate and convicted and punished. This part of the provision in the Bill seems to me, Sir, to be evidence of overanxiety to see that unwholesome food-stuffs are not sold. I certainly appreciate it. But, more than that, I am not for the liberty of any individual being curtailed for securing other ends if the normal requirements of our criminal law are perfectly satisfied and if there has been absolute good faith on the part of the individual concerned. And, the question of good faith is a question of fact which the trying Magistrate may go into. Whether the individual has exercised due care and caution is a fact to be investigated by the trying Magistrate; and, if it

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is found that all that was humanly possible had been done and that it was a hoax played by some foreign exporter, and if the local dealer, the accused, had suffered pecuniary loss on account of the seizure of the imported stuff by the Food-Inspector, I would consider that sufficient punishment, instead of adding on to all these conviction by a Court of Law. I therefore support the amendment.

PRESIDENT : It is now 2 o'clock. Let us now adjourn and re-assemble at 2-45.

The Council adjourned at 2 P. M. and re-assembled at 2-45 P. M.

PRESIDENT : I have already promised to give my ruling as to whether the motion made by Mr. Muruveli Pachu Pillai asking for leave to adjourn the business of the House to discuss a matter of urgent public importance, *viz.*, the attitude and behaviour of the Police in relation to the incidents that took place in public meetings at Shertallai and Kanjikulangara on the 19th Kanni 1106, is in order or not. I would hold it to be admissible, and I wish to know whether any member has objection to the motion being discussed.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*) ; It is not opposed at all.

PRESIDENT : As members have no objection, the discussion may be had to-morrow at 3-30 P. M.

Mr. Kesava Pillai, you have also handed a statement seeking permission for the adjournment of the business of the House. It relates to the same subject and it is more or less akin to it though not expressed in the same terms. Do you press it, Mr. Kesava Pillai?

MR. R. KESAVA PILLAI (*Kottarakara cum Kunnattur*) : As the first motion is allowed I do not press it, Sir.

PRESIDENT : We are at amendment No. 1 to Clause 5, by Mr. Kesava Pillai.

MR. ITTOOP ITTEECHAN (*Kunnatnad*): മിസ്റ്റർ കേശവപിള്ളയുടെ അമൻഡ്മെൻറിനെ ഞാൻ ഹൃദയപൂർവ്വം അനുകൂലിക്കുന്നു. ഈ ഫുഡ് അഡൽറേറേഷൻ ബില്ലിന്റെ ആദ്യത്തെ വായനയിൽ തന്നെ അതിനെ മുഴുവനും ഹൃദയപൂർവ്വം ഞാൻ എതിർക്കുകയാണ് ചെയ്തിട്ടുള്ളത്. ഇപ്പോൾ ഇങ്ങിനെ ഒരു ബിൽ കൊണ്ടുവന്ന തിരുവിതാംകൂറിൽ ഇപ്രകാരം ഒരു നിയമം പാസാക്കണമെന്നുള്ള സംഗതി ഗവണ്മെൻറ് ഗാഢമായി ആലോചിക്കേണ്ടതാണ്. ഈ നാട്ടിലെ ഭക്ഷണ സാധനങ്ങളിൽ കുട്ടിക്കലർപ്പ് ഉണ്ടായി അത് നിമിത്തം ജനങ്ങൾക്ക് ക്ഷേമകരമല്ലാത്ത വിധത്തിൽ വർത്തിച്ചു വരുന്നു എന്നുള്ള ഒരു അഭിപ്രായം ഗവണ്മെൻറിന് ഉണ്ടായിട്ടുണ്ട് എന്ന് ഞാൻ വിചാരിക്കുന്നില്ല. പക്ഷേ വല്ല സാധുക്കളും പാലിലൊ മോരിലൊ വെള്ളം ചേർക്കുക മുതലായ നിസ്സാര സംഗതികൾ ചെയ്യുന്നില്ലാ എന്നു ഞാൻ പറയാൻ തയാറില്ല.

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[Mr. Ittoop Itteechan.]

ഇങ്ങിനെ നിസ്സാരമായ സംഗതികളിലുള്ള കുറവിനെ മാത്രം ഉദ്ദേശിച്ച് ഗവണ്മെൻറ് ഇത്രവലിയ ശക്തിമത്തായ ഒരു ബിൽ അവതരിപ്പിക്കുന്ന എങ്കിൽ അതു പട്ടണങ്ങളിലും നാട്ടിൻപുറങ്ങളിലും ചില്ലറ ലഹളകൾ ഉണ്ടാകുന്നതുകൊണ്ട് അവയെ ഇല്ലാതാക്കാൻ അവിടെ നിലവിലിയ പട്ടാളനിയമം പാസാക്കുന്നതുപോലെയാണ്. പിന്നീട് ഈ രക്ഷിണ സാധനങ്ങളിൽ ക്രട്ടികലർപ്പ് വരുത്തിയിട്ടുണ്ടോ എന്നുള്ള സംഗതി സാധാരണക്കാരായ ആളുകൾക്ക് കണ്ടുപിടിക്കാൻ തന്നെ സാധ്യമാകുമോ എന്ന് തോന്നുന്നില്ല. ഉദാഹരണമായി ഈ നാട്ടിൽ റംഗ്രൂൺ മുതലായ സ്ഥലങ്ങളിൽ നിന്നും കപ്പൽവഴി അരി ഇവിടെ വരുന്നു. ഈ അരി വാങ്ങി ക്ലബ്ബുകാർ ധാരാളമായി ഉപയോഗിക്കുന്നു. ഈ അരിവച്ചാൽ ചോറിന് ദുർഗന്ധവും ദുസ്വാദും ഉണ്ടെന്നുള്ളത് അതിനെ അനുഭവിച്ചിട്ടുള്ളവർക്ക് ധാരാളം അറിയാം. ഞാൻ ഇത് അനുഭവിച്ചിട്ടുള്ളതുകൊണ്ട് എനിക്കും അറിയാം. ഇങ്ങിനെ വാങ്ങിക്കൊണ്ടുവന്ന് വയ്ക്കുന്ന അരിയ്ക്ക് ദുർഗന്ധമുണ്ടാക്കുന്നത് ക്ലബ്ബുകാരാണ് എന്ന് വിചാരിക്കാൻ പാടില്ല. അങ്ങനെയുള്ള ഭക്ഷണസാധനങ്ങളും മുഴുവനും ചീത്തയായതിനാൽ ഉപയോഗശൂന്യമാക്കിക്കളയുകയും ഈ നിയമം കൊണ്ട് അയാൾ കുറക്കാരനായും തീരുന്നു. അതുപോലെ ആലപ്പുഴ മുതലായ സ്ഥലങ്ങളിൽ വർഷകാലത്തു വെളിച്ചെണ്ണ വാങ്ങിക്കൊണ്ടുവന്നാൽ അഞ്ചാറു ദിവസം കഴിയുമ്പോൾ അതിന് ഒരു കയ്പും മറ്റു പലതരത്തിലുള്ള ദുസ്വാദുകളും ഉണ്ടാകുന്നുണ്ട്. ഈ ദുസ്വാദിനെ ഓരോ സ്ഥലങ്ങളിൽ ഓരോ പേരു പറഞ്ഞുവരുന്നു എങ്കിലും ഞങ്ങളുടെ നാട്ടിൽ അതിന് കാറൽ എന്ന പേരുപറയുന്നു. ഇങ്ങനെയുള്ള സാധനങ്ങളെ ഫുഡ് ഇൻസ്പെക്ടർക്ക് ഉപയോഗശൂന്യമാക്കിത്തീർക്കാൻ സാധിക്കുന്നതും ആ അളിനെ കുറക്കാരനാക്കി ശിക്ഷിക്കുന്നതിനും സാധിക്കുന്നതാണ്. അതുപോലെ പഴം മുതലായ സാധനങ്ങൾക്ക് അഞ്ചാറുദിവസം കഴിഞ്ഞാൽ ഒരു ദുസ്വാദും വർണ്ണവ്യത്യാസവും വരുന്നതാണ്. ഇങ്ങനെയുള്ള വർണ്ണവ്യത്യാസത്തിനു ആ ആളെ കുറക്കാരനാക്കാൻ ഫുഡ്ഇൻസ്പെക്ടർ ഉദ്ദേശിക്കുന്ന എങ്കിൽ സാധിക്കും. അതിനാൽ ഒന്നാമതായി ഗവണ്മെൻറ് ഇതിനെപ്പറ്റി ഗാഢമായി ആലോചിച്ചശേഷം ഇങ്ങനെ ഒരു നിയമം കൊണ്ടുവരേണ്ടതാണ്. ഈവക ഭക്ഷണസാധനങ്ങൾ ഉപയോഗശൂന്യമാണെന്നു ശരിയായി കണ്ടുപിടിയ്ക്കുന്നതിനു ഉദ്യോഗസ്ഥന്മാരെ നിയമിച്ചശേഷമേ ഈ നിയമം പാസാക്കാൻ പാ-

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ട്ടുള്ളൂ. അങ്ങനെ ഗവണ്മെൻറു വിചാരിയ്ക്കുന്നില്ലെങ്കിൽ മേല്പറഞ്ഞ ആളുകളെപോലെ ഉള്ളവരെ കുറക്കാരാക്കുകയോ ശിക്ഷാർഹന്മാരാക്കുകയോ ചെയ്യത്തക്ക ഒരു നിയമം കൊണ്ടുവരാൻ പാടില്ലെന്നാണ് എന്റെ അഭിപ്രായം.

MR. P. S. MAHOMED (*Nominated*): അങ്ങിനെയുള്ള ഉദ്യോഗസ്ഥന്മാർ ഉണ്ടായിട്ടുണ്ട് എന്നറിയാമോ?

MR. ITTOOP ITTEECHAN (*Kunnatnad*): ഉദ്യോഗസ്ഥന്മാർ പരിചയം ഇല്ലാത്തവരും അറിവില്ലാത്തവരും ആയതിനാൽ ആണ് ഈ നിയമം ദോഷകരമാണെന്നു ഞാൻ പറഞ്ഞതു്. അതുകൊണ്ട് ഈ സംഗതി നല്ലവണ്ണം ചിന്തിച്ചശേഷം പാസാക്കേണ്ടതാണു്. മിസ്റ്റർ ശവപിള്ളയുടെ അമൻഡ്മെൻറിനെ ഞാൻ അനുകൂലിക്കുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the amendment. I appreciate the principle on which Mr. Kesava Pillai has based his amendment, *viz.*, that a man should be punished by a Criminal Court only if he intends to commit an offence. But this rule salutary as it may seem, has very many exceptions and in the interests of the public, that rule may be varied from for even though a man may not have any intention, he has to be punished if it is in the public interest. Those who sell for instance butter, milk, etc., in public ought to be very careful because they may affect the health and life of others and no explanation can be heard from a man who takes such responsibility to exculpate himself. He ought not to be heard to say "I am not responsible" and that the responsibility is with somebody else. No doubt, I can understand that if a man did not intend to commit an offence he should not be punished ordinarily. At the same time, I would request this House to consider that in this case the seller is really dealing with the health of the citizens and further if this proviso is accepted it will even defeat one purpose of this Bill. One provision introduced in the Bill is to the effect that certain articles of food particularly tea, butter, milk, ghee etc., should be of a certain standard of purity if they are to be sold to the public. Otherwise they should not be sold at all. In the interest of the public the Government take upon themselves the responsibility and say that an article for human consumption shall be maintained at a certain standard of purity. So long as such a provision is here, it seems to me that that provision will be defeated if this amendment is passed because this amendment reads as follows:—

> "Provided that the Vendor shall not be deemed to have committed an offence under this Section, if he proves that the food was purchased by him as the same in nature, substance and quality as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality that he had no reason to believe at the time when he sold the same that the food was not of such nature, substance or quality and that he sold it in the same state as that in which he purchased it."

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[Mr. Kayalam Parameswaran Pillai.]

I say, therefore that the provisions of this Bill will be very easily defeated by the passing of this Clause because the seller can easily say that he has got a written guarantee to the effect that the article is of the same nature, substance and quality as that demanded by the purchaser.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): If the seller knows that the article is bad he is liable to punishment even according to this proviso.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. The amendment says otherwise. All that the seller need prove is that the article sold is similar in quality to that *demanded*.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What is the other thing that he should prove?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The standard purity.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I think quality will cover purity also.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may cover. But as this proviso stands, the seller can with impunity vend the goods saying that it is of the nature, substance and quality as that demanded by the purchaser and he need not maintain the standard purity. I cannot purchase an article of 'A' quality and sell it as 'B' quality. That is all that the amendment insists.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does not quality include purity?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That may or may not. Under this proviso the article need only be of such quality as it is represented to be.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): As the one that the purchaser wanted?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He may or may not want any specific quality. Government fixed the standard of purity. Government, in the interest of the public, say that an article should not be below a certain standard of purity.

MR. A. G. MENON (*Parur*): How is it possible to measure the standard of purity?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If it is not possible it is a different matter. But the Bill has laid down that a certain standard of purity may be prescribed and if this proviso is to be accepted how is the aforesaid provision to be enforced so long as the proviso is there. The seller can say that he holds the goods with a warranty as to the nature, substance and quality it purports to be.

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MR. A. THANU PILLAI (*Trivandrum*) : Am I to understand the member to say that this proviso will defeat the purpose of sub-clause 1 (*d*) of Clause 4 ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). Yes.

MR. A. G. MENON (*Parur*) : Is there any similar provision in the Madras Act ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : There is a provision of similar import in the Madras Act and the other legislatures have passed more or less similar provisions. Some of the provisions in our Bill are not like the Madras Act.

MR. A. G. MENON (*Parur*) : Do they also insist upon the standard of purity ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, in Madras also. I considered it and found the proviso to be unworkable. The Bengal Legislature omitted this proviso. There are other legislatures also which have omitted this provision.

MR. A. G. MENON (*Parur*) : I have had some days' experience at Calcutta and I know that the quality of the articles that are being sold there is not at all good.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am not responsible for the food supplied to my friend at Calcutta. He may have his own views about them and in any event I am not responsible for the food in Calcutta. I only speak about the Act which the Bengal Legislature has passed which does not contain such a provision. It seems to me that if this proviso is passed it will defeat the provisions of sub-clause (*d*) in Clause 4. So I oppose the amendment.

MR. A. G. MENON (*Parur*) : We are nearer Madras than Calcutta and therefore we had better adopt the Madras Act.

PRESIDENT: Although it is not usual to call upon another member after the mover has spoken, I think it proper to have our expert member's opinion also in the matter. Dr. Raman Tampi, as our Medical Expert, will be able to express his views as to how this will work.

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*) I think the proviso suggested by Mr. Kesava Pillai is not necessary. When we discussed the Bill in the Select Committee we then said that the article should be of the standard of purity prescribed by the Government. We know quite well that there is a good deal of food adulteration in Travancore and it is to prevent the evil effects of the food adulteration that this Bill is introduced. We have legally fixed certain standard and we have specially guarded against food adulteration by appointing duly qualified analysts and also Food Inspectors. We know quite well that several diseases are communicated through food and it is high time that we have a legislation to prevent such adulteration. We make sufficient provisions to ensure the purity of food. I do not think the amendment

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[Dr. K. Raman Tampi.]

proposed is necessary at all because we want to see that certain qualities are maintained and for that it is necessary that a standard must be fixed at all costs. Even though a man may purchase an article with the belief that it was good and if in the opinion of the Food Inspector the article is found to be bad it will be destroyed.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Is that not sufficient punishment?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): Yes.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I am just asking Dr. Raman Tampi whether the destroying of the article would not be an adequate punishment and whether a conviction before a Magistrate in addition to this punishment is necessary?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): That can be left to the Magistrates themselves.

As regards the general health of the public we want only to see that the article is destroyed, and whether any additional punishment is necessary, can be left to the Magistrates.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): There does not seem to be any difference of opinion as to the necessity of destroying the article. We are at the question whether in addition to that he ought to be held up before a Magistrate's Court?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): Once he is held up, that will act as a deterrent and he will be more careful in purchasing the article in future. No body wants another to be unnecessarily punished. We only want food-stuffs of good quality to be sold.

MR. A. THANU PILLAI (*Trivandrum*): Is it not likely that the objectionable food-stuff may after all be only a very small quantity?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): It may be a small quantity not very valuable and at the same time highly injurious. It is not the quantity that matters. So, I am of opinion that the amendment brought forward by Mr. Kesava Pillai is not necessary.

MR A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Sir, I rise to support the amendment before the House. I must candidly admit that it was with mixed feelings that I watched the progress of this Bill through the Council. But nobody would reasonably object—

PRESIDENT: But the mover has had his say.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): But the amendment is before the House. My only hope is that even if this Bill is passed it will remain only as an ornament to our Statute Book and that it will not very easily be put into practice because even according to this Bill it says that the Government can extend its operation to any municipality or other place as they deem fit.

RAO BAHADUR K A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I ask whether it is his hope or fear that he is referring to

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): As far as bringing into effect of this Regulation is concerned, I hope that it will not be put into effect in the near future until we are sure that the officers who are entrusted with their duties will be able to discharge them to the best advantage of the people and the country. Here we find that a person is to be prosecuted for selling an article which he belives to be of sufficient quality and composed of certain good substances.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does he say it is of sufficient quality or only of a quality equal to that demanded by the purchaser?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I mean the quality prescribed by the rules or which the purchaser intends it to possess or quality which the seller represented it to possess. That is what I mean by sufficient quality.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the proviso provide for that?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) There is provision. The proviso relates only to the representation made by the seller to the purchaser as to the nature, substance and quality of the goods sold. Quality includes purity. I do not know how any such fine distinction can be drawn between the two.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Suppose it is prescribed that tea of X quality alone can be sold and that tea of Y quality is sold with the guarantee that it is tea of Y quality. Can he be punished?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I do not know how the object of sub clause (*d*) will be defeated by this proviso. All that this proviso exempts is that the person, the vendor who sells it in the *bona fide* belief that the article sold is of a particular nature and composed of certain substance and possesses certain quality, should not be punished because he did it in ignorance. You cannot expect these shopkeepers to be experts in analysing all this food-stuff. The definition of food is very comprehensive. So, you cannot punish a person for selling food of the quality demanded by the purchaser. I admit that there is very great difficulty in proving the intention of a particular person. Even the law of our land says that 9 guilty persons may be let off than one innocent person being punished. Here the question is whether the seller has any intention, and if it is remembered that there is no such intention on the part of the seller, is it proper to punish him?

Under this proviso, the burden of proof is cast on the seller who has to prove that he had no intention, while in other cases, the intention is to be proved by the prosecutor.

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[Mr. A. S. Damodaran Asan.]

My point is that when we are giving very wide powers to the Food Inspector and when there is no sufficient check on the exercise of those powers, it is always safer to lay down that a person shall not be punished if he acts *bona fide*. His articles are destroyed. That itself is sufficient punishment; and is in itself sufficiently deterrent. Any person who wishes to make a profit out of such sales will never risk the chance of his things being taken possession of by the Food Inspector and destroyed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But these are exceptional cases.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): But is it not sufficient punishment for the person who *bona fide* sells certain goods in the belief that they are unadulterated? He loses his articles. In addition to that, why should he be dealt with by a Magistrate and punished? I do not think it is very safe to leave it to the discretion of the Magistrate.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Before the member resumes his seat, I wish to ask him a question. Does he think that the purpose of sub clause (*d*) will be satisfied if this proviso is accepted by the Council?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is is a question for interpretation by courts, and I can therefore give my *opinion* only. I think that the purpose of the sub clause (*d*) will not be defeated. But *even if it is defeated*, I do not think it matters much, because the person concerned loses his articles and the property is destroyed.

MR. V. CHELLAM PILLAI (*Tovala*): ഒരാൾ പാൽപ്പൊടി വരുത്തുന്നു. അതിൽ രണ്ടു എണ്ണം വിറ്റു. ആ നാല്പത്തിഅഞ്ചു വാങ്ങിച്ചവർക്കു സുഖക്കേടുണ്ടാകുന്നു. പിന്നീടു ഫുഡ് ഇൻസ്പെക്ടർ കണ്ടുപിടിച്ചു് ബാക്കിയുള്ള രണ്ടിൻ നശിപ്പിച്ചാൽ മതിയോ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അൻപതുവാങ്ങിച്ചതിൽ രണ്ടു വിറ്റുപോയില്ലെ. അതിനുശേഷമാണല്ലൊ അതു ഉപയോഗിക്കാൻ കൊള്ളാത്തതാണെന്നു മനസ്സിലായതു്.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I draw the attention of Mr. Damodaran Asan to Clause 4 where the various kinds of offences are enumerated? One of them is the case of the person who sells food which is not of the nature, substance or quality of the article demanded by the purchaser. The proviso which is now being discussed will apply to sub-clause (*a*).

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But not to sub-clause (*d*).

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sub-clause (*d*) deals with the representation made to the purchaser by the seller.

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I agree with what the previous speaker said. I am at a loss to understand why the Law Member is afraid that the purpose of sub-clause (*d*) will be defeated by the insertion of this proviso. I will cite an example. Suppose I buy cakes from Messrs. Harrisons. The cake has been examined by the Food Examiner at Madras and found to be alright. With this guarantee of the Food Inspector of Madras, I purchase half a dozen cakes of Messrs. Harrisons and put them up for sale in my shop. Now the local Food Inspector finds that the cakes are not of the standard prescribed by our Government, and destroys them. Why should I be penalised, I ask, even though I have got the guarantee of the Food Inspector of Madras? After all, I do not think that this guarantee will in any way defeat the purpose of sub-clause (*d*).

To cite another instance, suppose, a motor driver gets a license for driving from a proper authority and I employ him. Suppose again, that the driver knocks against a wall and runs over a person. Why should I be penalised for that?

MR. L. A. BISHOP (*Commissioner of Police*): May I ask the member if a wall is edible? (*Laughter*).

PRESIDENT: We are straying far from the field, Mr. Piraviperumal Pillai. Let us confine ourselves to food adulteration and not deal with motor cars and drivers who have knocked buses against walls and run over persons.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Suppose again, Sir, I bought half a dozen bottles of soda from Harrisons and Co., with a warranty that they are alright. If it is afterwards found that they are not up to the quality prescribed by the Government, I cannot understand why I should be penalised for that.

I think that this amendment is innocuous and may be accepted.

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): Mr. Piraviperumal Pillai has quoted some instances. But I ask, is there not a chance of other shopkeepers buying bad things knowing that they are bad, because they are cheap? How can they be prevented from such a course, unless they are punished?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): On that point, Sir, I believe the amendment is clear, I will read out the amendment. It says:

> "Provided that the vendor shall not be deemed to have committed an offence under this Section if he proves that the food was purchased by him as the same in nature, substance and quality as that demanded by the purchaser and with a written warranty to the effect that it was of such a nature, substance and quality that he had no reason to believe at the time when he sold the same that the food was not of such nature, substance or quality and that he sold it in the same state as that in which he purchased it."

Of course, I am referring to an article which was bought from another shop with the warranty that it is good.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the warranty say that the *article* is *good*? The warranty only says that the article is *of the nature, quality and substance as that demanded by the purchaser*.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): The one strong argument advanced by the Law Member against this proviso, that under this proviso, a seller to escape punishment has only to prove that the goods he sold were of the same nature, substance and quality as that demanded by the purchaser and that he need not prove his *bona fides*. But it will be clear from the latter part of the proviso that the seller too must prove his *bona fides*. It says: "that he had not reason to believe at the time when he sold the same that the food was not of such nature, substance or quality and that he sold it in the same state as that in which he purchased it." The seller must therefore prove that he entertained the best of intentions at the time he sold the article, that it was of same nature, substance and quality as that demanded by the purchaser.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But not of the *standard of purity*?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): The proviso does not refer to standard of purity. The seller is liable to prove his *bona fides*. If he does not prove his *bona fides* he is liable to punishment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): *Bona fides* as to what?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): As to the nature of the food demanded by the purchaser.

MR. A. THANU PILLAI (*Trivandrum*): Is it an offence to purchase bad things?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it not clear that Clause 5 itself refers only to the nature of the substance and not to the standard of purity? The proviso is only to the Clause.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If I rise now to address the House, it is only to clear up the misapprehensions of some of the members, caused apparently by the Clause, I was not properly understood at the time when I first spoke on the subject.

Clause 4 lays down the offences for which persons are punished. Sub-clause (*a*) deals with the case of a person who sells food which is not of the nature, substance or quality of the article demanded by the purchaser. Sub-clause (*b*) relates to a person who manufactures, stores, offers or exposes for sale or hawks about or sells any food which is not of the nature, substance or quality which it purports or is represented to be, and sub-clause (*c*) refers to a person who

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abstracts from any food any part of it so as to affect injuriously the nature, substance or quality thereof with intent that it should be sold in its altered state without notice of the alteration, or sells any article so altered without making disclosure of the alteration.

Sub-clauses (*a*) and (*b*) refers to the misrepresentation as to the quality of the food; sub-clause (*c*) too, to some extent, refers to misrepresentation, because if the food is altered so as to affect injuriously the person consuming it, he has to give notice of such alteration. But sub-clause (*d*) does not relate to misrepresentation at all. Sub-clause (*d*) is as follows:

> "(*d*) Manufactures, stores, offers or exposes for sale or hawks about or sells milk, cream, butter, curds, buttermilk, ghee, tea or any other food which is not up to the standard of purity, if any, prescribed by our Government or any articles in respect of which such standard of purity has been so prescribed, under a name which in any way resembles the name of such article....."

So that under this sub-clause Government can lay down that tea, buttermilk, etc., shall be of say 'x' quality, that it shall not be sold below that quality and that if a person sells these articles with a quality below that prescribed by Government, he can be punished *without reference to his intention or bona fides.*

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I ask the member whether the idea is to prescribe standards of purity for cases dealt with in sub-clause (*a*)?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, that sub-clause refers only to the selling of food which is not of the nature, substance and quality of the article demanded by the purchaser and does not speak about the standard of purity prescribed by Government.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Then the proviso now under discussion must come in as a proviso to that sub-clause. It naturally fits in with sub-clause (*a*).

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If it were really so, I can well understand the logic of it. But the proviso is to the whole Clause and not to sub-clause (*a*) alone.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Clause 5 says that it shall be no defence to allege merely that the accused person was ignorant of the nature, substance or quality of the food sold, manufactured, stored, offered or exposed for sale or hawked about by him or that the purchaser has bought the food only for analysis.

That is what the Clause says and the proviso now moved could not go beyond the terms of the Clause.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Clause 4 gives the Government power to prescribe standards of purity and if a person sells articles below that standard he can be punished. According to the proviso, if the person selling the articles had no reason to believe that it was not of such a nature, substance or

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[Mr. Kayalam Parameswaran Pillai.]

quality and he sold it in the state as that in which he purchased it, he would escape punishment. Thus if he did not believe that the article was not of the same substance nature or quality, he will be exempted from punishment. According to Clause 5. if Government prescribe that an article shall be of 'X' quality and if a person sells the same article of 'Y' quality, he shall be punished, and it is no defence for the seller to say that he never knew of the quality.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I ask the member whether Clause 5 applies to the standard of purity?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What are the words used in the Clause?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Clause 5 reads as follows:

> "In any prosecution for an offence under the last preceding section it shall be no defence to allege merely that the accused person was ignorant of the nature, substance or quality of the food sold, manufactured, stored, offered or exposed for sale or hawked about by him or that the purchaser has bought the food only for analysis."

If this proviso is accepted, then Government could not enforce the rule laid down in sub-clause (*d*) of clause 4. According to this sub-clause, Government have the power to prescribe a standard of purity and if this proviso is accepted, then Government could not enforce the rule. Irrespective of the belief that a person had as to the purity of the article, that person can be punished under sub-clause (*d*). Under the proviso, if the seller sells the article as of the quality in which he purchased it, then he is exempted.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Then the Inspector can destroy the article.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a different matter. But the seller cannot be punished. Now we want the seller to be punished, if he sells articles below a certain standard of purity. Under this proviso, if the seller exposes for sale an article in the *bona fide* belief that it is of the nature, substance or quality as that demanded by the purchaser, he could not be punished. Therefore I say that provisions of clause (*d*) will be defeated by the acceptance of this proviso. I can understand the member saying that punishment in regard to a certain offence is severe. That is a matter of judgment. The House may consider that it is hard to make a man liable if he has not really a guilty intent or that he is not willingly guilty he ought not to be punished. On the other hand, I may think that he ought to be punished. But what I cannot understand is that a proviso should be inserted in the Bill to totally defeat a main purpose of the Bill,

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MR. A. THANU PILLAI (*Trivandrum*) : Because of the provision in Clause 4 (1) (*a*), will any person be justified in selling an article which is not of the standard of purity prescribed by sub-clause (*d*) ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : He will not be justified.

MR R. VAIDYALINGOM PILLAI (*Registrar of Co-operative Societies*) : Does sub-clause (*a*) apply to all articles ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, it refers to all articles.

And sub-clause (*d*) refers to those articles in the case of which standards of purity are fixed. Therefore the proviso will defeat one main object of the Bill.

PRESIDENT : The amendment may now be put to vote.

The amendment was then put to vote, 15 voting *for* the amendment and 29 *against*.

The amendment was lost.

MR. P. S. MAHOMED (*Nominated*) : I demand a poll.

A poll was taken with the following result.

AYES 15.

1.	Mr. A. S. Damodaran Asan.	9.	Mr. Tariatu Kunjitomman.
2.	,, A. G. Menon.	10.	,, A. C. Kuriakose.
3.	,, Ittoop Itteechan.	11.	,, P. S. Mahomed.
4.	,, D. C. Joseph.	12.	,, H. B. Mahomed Rowther.
5.	,, R. Kesava Pillai	13.	,, K. P. Nilakanta Pillai.
6.	,, T. C. Kesava Pillai.	14.	,, Muruvelil Pachu Pillai.
7.	,, Tamarapallil Kochutomman.	15.	,, S. Piraviperumal Pillai.
8.	,, V. S. Krishna Pillai.		

NOES 29.

1.	Mr. L. A. Bishop.	17.	Mrs Elizabeth Kuruvila.
2.	,, I. C. Chacko.	18.	Mr. D. Francis.
3.	,, R. Dhanukoti Pillai.	19.	,, K. N. Kesavan Namputiripad.
4.	,, K. George.	20.	,, N. K. Krishna Pillai.
5.	,, P. Gomatinayakam Pillai	21.	,, K. Madhavan Pillai.
6.	,, P. N. Krishna Pillai.	22.	,, Matthew Murikkan.
7.	Rao Sahib Dr. N. Kunjan Pillai.	23.	,, G. P. Nilakanta Pillai.
8.	Mr. T. K. Madhavan Nayar.	24.	,, K. Padmanabha Panikkar.
9.	,, E. G. McAlpine.	25	,, K. G. Paramesvaran Pillai.
10.	,, R. Nilakanta Pillai.	26.	,, L. R. Raja Raja Varma Koil Tampuran
11.	,, Kayalam Paramesvaran Pillai.	27.	,, R. Raman Pillai.
12.	Dr. K. Raman Tampi.	28.	,, Revati Nal Rama Varma Raja
13.	Mr. S. C. H. Robinson.	29.	,, A. Thanu Pillai.
14.	,, R. Vaidyalingom Pillai.		
15.	,, J. S. Westerdale.		
16.	,, V. Chellam Pillai.		

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NEUTRALS—2.

1. Mr. K. C. Karunakaran.
2. Rao Bahadur K. A. Krishna-Aiyangar.

Mr. R. Kesava Pillai's amendment was declared lost.

MR. P. S. MAHOMED (*Nominated*) : I do not move my amendment.

The following amendment was not moved :—

MR. P. S. MAHOMED (*Nominated*): Add the following as proviscs to Clause 5.

(1) Provided that the vendor shall not be deemed to have committed an offence under this section if he proves that the food was purchased by him as the same in nature, substance and quality as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality that he had no reason to believe at the time when he sold the same that the food was not of such nature, substance or quality and that he sold it in the same state as that in which he purchased it.

(2) Where the accused person is found innocent and accordingly he is acquitted by the court, but the articles under trial are found unfit by the provisions of this Regulation or by the provisions of rules framed under this Regulation, the court may dispose of the articles according to Section 11 (2).

PRESIDENT : The question is that Clause 5 do stand part of the Bill.

The motion was carried and the Clause was added on to the Bill.

Clause 6.

PRESIDENT : There are no amendments to this Clause. The question is that Clause 6 do stand part of the Bill.

The motion was carried and the Clause was added on to the Bill.

Clause 7.

PRESIDENT : There are no amendments to this Clause. The question is that Clause 7 do stand part of the Bill.

The motion was carried and the Clause was added on to the Bill.

Clause 8.

PRESIDENT: Clause 8 may also be similarly dealt with. The question is that Clause 8 do stand part of the Bill.

The motion was carried and the Clause was added on to the Bill.

Clause 9.

PRESIDENT : The question is that Clause 9 do stand part of the Bill.

The motion was carried and the Clause was added on to the Bill.

Clause 10.

PRESIDENT : As there are no amendments to this Clause also, this may be treated as forming part of the Bill.

The question is that Clause 10 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

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Clause 11.

PRESIDENT : Clause 11 may also stand part of the Bill since there are no amendments to it.

The question is that Clause 11 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 12.

PRESIDENT : The question is that Clause 12 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 13.

PRESIDENT : As there are no amendments to the Clause, I think that the Clause may be added to the Bill.

The question that Clause 13 do stand part of the Bill was put and carried and the Clause was added to the Bill.

Clause 14.

PRESIDENT : The question is that Clause 14 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 15.

PRESIDENT : The question is that Clause 15 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 16.

PRESIDENT : The question is that Clause 16 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 17.

PRESIDENT : The question is that Clause 17 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 18.

PRESIDENT : The question is that Clause 18 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 19.

PRESIDENT : The question is that Clause 19 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 20.

PRESIDENT : The question is that Clause 20 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 21.

PRESIDENT : The question is that Clause 21 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

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Clause 22.

PRESIDENT: The question is that Clause 22 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Clause 23.

PRESIDENT: Clause 23 may also be similarly dealt with. The question is that Clause 23 do stand part of the Bill.

The motion was carried and the Clause was added to the Bill.

Schedule attached to the Bill.

PRESIDENT: The schedule also may stand part of the Bill.

The question is that the schedule do stand part of the Bill.

The motion was carried and the schedule was added to the Bill.

Preamble and Title of the Bill.

PRESIDENT: The Preamble and Title of the Bill may now be taken up. The question is that the Preamble and Title of the Bill do stand part of the Bill.

The motion was carried and the preamble and title of the Bill were added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Bill be taken up on a subsequent day and passed.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second the motion.

The motion was carried.

Amendment to Civil Procedure Code.

MR. P. N. KRISHNA PILLAI (*Secretary to the Legislative Council*): I beg to announce that Rule 5 (1) of Order IX of the Civil Procedure Code as amended by the High Court is laid before the Council.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the rule as amended be taken up for consideration.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second the motion.

The motion was carried.

MR. A. THANU PILLAI (*Trivandrum*): I do not move my amendment.

The amended Rule was accepted by the House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the amended Rule be taken up on a subsequent day and passed.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second it.

The motion was accepted.

Revenue Recovery Regulation Amendment Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) The next item of business is the introduction of the Revenue Recovery Regulation Amendment Bill.

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